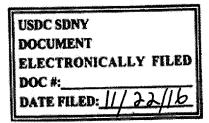
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399 Park Avenue New York, NY 10022-4690

November 10, 2016



VIA ECF

Honorable Analisa Torres United States District Judge United States District Court Southern District of New York 500 Pearl Street New York, NY 10007-1312

Re.

Floyd, et al. v. City of New York, 08-CV-1034 (AT),

Ligon, et al. v. City of New York, et al., 12-CV-2274 (AT), Davis, et al. v. City of New York, et al., 10-CV-0699 (AT), Recommendation Regarding Electronic Stop Report Form

Dear Judge Torres,

I am pleased to submit my recommendation regarding an electronic version of the court-approved stop report form. This electronic version will be included in the NYPD's new records management system called FORMS—Finest Online Records Management System. Once the electronic stop report is included in FORMS, officers will be able to access and complete the stop report form on their smartphones and tablets. Their supervisors will be able to review the reports electronically for approval or correction.

I believe the electronic version of the stop report form meets the requirements for the stop report set out in the court orders and the parties' agreements.

I am submitting an operations order and a user guide for your approval. The operations order instructs officers that stops should be reported on the electronic form. The electronic stop

ARNOLD & PORTER LLP

Honorable Analisa Torres November 10, 2016 Page 2

report is designed to be self-explanatory. Nonetheless, the Department is also providing an online user guide for officers who wish to use it. It is not mandatory for officers to use the user guide.

The parties have informed me that they agree that this recommendation should be approved.

This new electronic system has significant benefits. Currently, the NYPD has a database for stop, question and frisk, but this database is inadequate because it does not capture the new fields that were added to the approved stop report—in particular, the narrative sections and the supervisory review section. The new electronic system and database will capture the narratives, the supervisory review, and (with one exception discussed below) all the other fields on the approved form. Having officers fill out the form electronically on their smartphones or tablets will make it easier for them to complete and will permit them to write a narrative without the space constraints of the paper form. Supervisors will also have a much easier time reviewing the reports, because they (and the data-entry staff) will no longer have to contend with hard-to-read handwriting. Finally, an officer's initial submitted report and any subsequent corrections or additions, as well as the supervisor's notes and any rejection of the report, are all saved in the system and can be retrieved and audited.

The electronic version of the stop report collects all the information currently on the hard-copy stop report, with the exception of the name and identifying information (address, date of birth and phone number) of the person stopped. These fields have been omitted because Section 140.50(4) of the New York Criminal Procedure Law provides that the name, address and other

ARNOLD & PORTER LLP

Honorable Analisa Torres November 10, 2016 Page 3

information establishing the personal identity of a person stopped cannot be recorded in an electronic/computerized database if that person has not been arrested or given a summons.

Under the current system (before the electronic stop report is put into effect), the name, address, date of birth and phone number are included on the hard-copy stop report (unless the person stopped refuses to provide the information), but that information is not entered in the current stop and frisk database. Similarly, this information will not be recorded in the FORMS system—so there are no fields on the electronic form for a person's identifying information. An officer is required, however, under P.G. 212-11, to include the name and identifying information of persons stopped in his or her activity log. Officers are reminded of this requirement in the attached operations order. A copy of the activity log will be attached to a printout of the stop report and kept in a binder at each precinct, thus facilitating audits and the location of stop reports when there are CCRB complaints.

After the electronic version of the stop report form is approved by the court, the NYPD will have its contractors do the additional engineering and troubleshooting required for the application to go live. The NYPD estimates that the application will be ready to launch in mid-January 2017.

Respectfully submitted, APPROVED.

/s/ Peter L. Zimroth

SO ORDERED.

Peter L. Zimroth Monitor

Dated: November 22, 2016 New York, New York

Attachments: (1)

Draft operations order

(2) Draft user guide

ANALISA TORRES
United States District Judge

Attachment 1



DRAFT OPERATIONS ORDER

SUBJECT: PILOT PROGRAM – IMPLEMENTATION OF (PD383-151) INTO FINEST ONLINE RECORDS SYSTEM (FORMS)	
DATE ISSUED:	NUMBER:
10-20-16	DRAFT 3

- 1. The Department has developed an electronic version of the **STOP REPORT** (**PD383-151**) in the Finest Online Records Management System (FORMS). The electronic STOP REPORT application is available on Department issued mobile devices (e.g., cellular telephone, tablets, etc.) and the Department's Intranet. Reporting *Terry* Stops/Level 3 encounters utilizing the electronic application in FORMS will facilitate the proper recording of stops, improve accuracy and enhance supervisory review of the reports. The electronic **STOP REPORT** application is to be utilized in a manner consistent with the requirements and standards established in *Patrol Guide 212-11*, "*Investigative Encounters: Request for Information, Common Law Right of Inquiry and Level 3 Stops*" which remains in **EFFECT**.
- 2. Therefore, effective immediately, in order to address additional requirements created by the transition from a paper **STOP REPORT** (**PD383-151**) to an electronic **STOP REPORT** in FORMS, all uniformed members of the service will comply with the following procedure:

UNIFORMED MEMBER OF THE SERVICE

- 1. Comply with *P.G. 212-11*, "Investigative Encounters: Request for Information, Common Law Right of Inquiry and Level 3 Stops" when conducting an investigative encounter.
- 2. For all *Terry* Stops/Level 3 encounters, use a Department mobile device (cellular telephone or tablet), if available, to prepare the **STOP REPORT** utilizing FORMS.
- 3. Prior to end of tour, complete all applicable captions and follow directions for each section of the **STOP REPORT** in FORMS and select the "Check" icon to submit the **STOP REPORT** to the patrol/unit supervisor.

NOTE

Uniformed members of the service (UMOS) should be mindful that users of FORMS will be timed out after 55 minutes, therefore UMOS should periodically click on the "Save" icon to ensure that entered data is not lost.

- 4. When prompted to identify the "Reviewing Supervisor" in FORMS, enter the name or tax identification number of a supervisor currently performing duty with the platoon/unit and select that supervisor from the dropdown menu that appears.
 - Select immediate squad/unit supervisor, if he/she is assigned to perform duty with the squad/unit and is available to review the STOP REPORT.
 - b. If not assigned to an immediate squad/unit supervisor or he/she is not available, enter the name or tax identification number of another supervisor performing duty with the squad/unit (e.g. patrol supervisor, detail supervisor, etc.).
- 5. Notify the reviewing supervisor that the **STOP REPORT** was prepared and submitted to the supervisor's electronic "INBOX" folder in FORMS for review.

UNIFORMED MEMBER OF THE SERVICE (continued)

- 6. Prior to the end of tour, inform the reviewing supervisor of facts of the stop and, if conducted, frisk and/or search.
- 7. Record details in **ACTIVITY LOG** (**PD112-145**) including a detailed description of the person stopped and the following pedigree information, unless refused:
 - a. Name of person stopped
 - b. Date of birth
 - c. Address
 - d. Telephone number.

NOTE

The pedigree information of an individual who is stopped is not captured electronically and will only be recorded in the member's **ACTIVITY LOG**. Accurately recording pedigree information in the **ACTIVITY LOG** will enable members to later identify persons stopped and may aid investigators during the course of a criminal investigation.

All references in P.G. 212-11 to "signing" a **STOP REPORT** will now include the electronic "signoff" in FORMS and all references to Department's Automated Stop Report System will now include the FORMS system.

REVIEWING SUPERVISOR

- 8. Discuss the stop with the uniformed member of the service.
- 9. Review the **STOP REPORT** in FORMS using a Department mobile device (e.g., cellphone, tablet, etc.), or desktop, if available by selecting "Signoff."
- 10. Review the **ACTIVITY LOG** entry and ensure that the detailed description and the pedigree information of the person stopped is included and legible unless the person stopped refused to provide the information.
- 11. Complete all captions in the "Reviewing Supervisor" section.
- 12. If, based upon review of the **STOP REPORT**, **ACTIVITY LOG** entry and discussion with the uniformed member of the service, the **STOP REPORT** requires additional information:
 - a. Check "No" following question "Report Accurate and Complete?"
 - b. Enter instruction to the reporting member of the service in the "Note" section in FORMS
 - c. Select the "Check" icon to return the **STOP REPORT** to the reporting member of the service for correction.
- 13. If the report is "Accurate and Complete" (i.e., all captions filled out and narrative contains adequate details) but after review it is determined there was not a sufficient basis for the stop and/or frisk and/or search, indicate such by checking the appropriate field(s) on the electronic form.
 - a. Select the action taken from the "Follow-Up Action (If appropriate)" section, and
 - b. Approve the **STOP REPORT**.

NOTE

A STOP REPORT will be only rejected and returned to the submitting uniformed member of the service if information is omitted from the report.

REVIEWING SUPERVISOR (continued)

- 14. "Approve" and "Finalize" the **STOP REPORT** following the prompts in FORMS.
- 15. Void the **STOP REPORT** if the investigative encounter did not rise to a *Terry* Stop, (e.g., Level 1/Request for Information or Level 2/Common Law Right of Inquiry) or for an arrest or summons that was not the result of a *Terry* Stop.

UNIFORMED MEMBER OF THE SERVICE

- 16. Upon rejection of **STOP REPORT** from the reviewing supervisor, access the report from the FORMS "Inbox," go to the "Actions" tab, select "Edit" and make the directed corrections.
 - a. Select the "Check" icon to resubmit to supervisor for review and approval.
- 17. Prior to the end of tour, make a photocopy of the **ACTIVITY LOG** entry detailing the *Terry* Stop and submit to the desk officer/designee.

DESK OFFICER/ DESIGNEE

- 18. Log into FORMS and select "SEARCH." A search must be conducted of all **STOP REPORTS** prepared during tour.
- 19. If a **STOP REPORT** was prepared, print out the "approved" **STOP REPORT** from the queue and attach it to the photocopied **ACTIVITY LOG** entry submitted by the uniformed member of the service.
 - a. Place **STOP REPORT** and photocopy of **ACTIVITY LOG** entry into the command's **STOP REPORT** binder maintained at the desk in sequential order.

NOTE

Steps "35" through "39" in P.G. 212-11 do not apply to the electronic **STOP REPORT**. Instead, follow the provisions as outlined in this procedure.

ADDITIONAL DATA

VOIDING STOP REPORTS IN FORMS

If the **STOP REPORT** has not been submitted to the reviewing supervisor, the reporting member of the service may void the report by selecting "UNFINALIZED FORMS" and choosing "Void/Seal" from the "Action" drop down icon. From the "Void" menu, indicate the reason, enter details and select "Void."

If the STOP REPORT has been submitted to the reviewing supervisor, the reviewing supervisor may void the STOP REPORT by first approving the STOP REPORT, then utilize "FORM MAINTENANCE" to locate the STOP REPORT, select "Maintain" then choose the "Void/Seal" option. Select "Void," "Reason," enter details and then select "Void." Supervisors should only void the STOP REPORT if it is a duplicate report or it was prepared in error, such as when the encounter was not a Terry Stop (e.g., witness interview, Level 1 Request for Information, etc.), or the reporting member of the service made an arrest that did not begin as an investigative encounter.

3. Commanding officers will ensure that the contents of this Order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION All Commands

Attachment 2



Finest Online Records Management System

> Stop Report

Created by:
P.O. Stacy Minchin
Stacy.MInchin@NYPD.org
Narration by
P.O. Patrick Cosgrave
Patrick.Cosgrave@NYPD.org





What is FORMS? HOW to access FOR WIS? Page 11 of 30

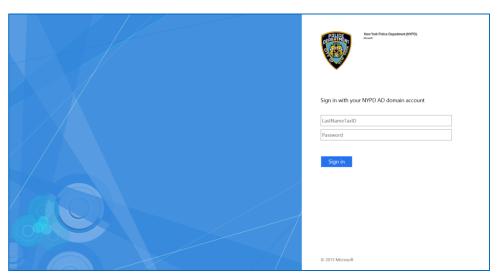


FORMS = Finest Online Records Management System Allows users to input multiple reports

The new FORMS System will provide the New York City Police Department with a platform to ultimately standardize and centralize all NYPD incident-related documents.



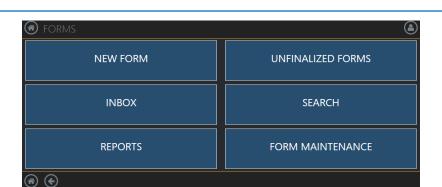
Mobile Device



To log into FORMS use your Windows credentials:

USERID: LastNameTaxID

PASSWORD: Password



NEW FORM

Allows users to create a document in the FORMS system.

INBOX

Allows supervisors to sign off (approve or reject) any form.

REPORTS

Allows users to run multiple report queries.

UNFINALIZED FORMS

Allows users to view the forms they created and can also view other forms from their command that have not been finalized or submitted for signoff.

SEARCH

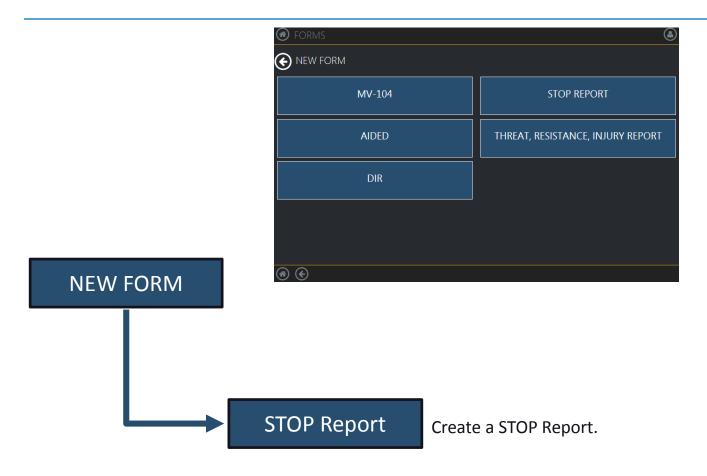
Allows users to search all forms created in the system.

FORM MAINTENANCE

Allows Supervisors or the Reporting Officer to print cover sheets; void and amend previously approved reports.



FORMS Support (646) 610-6473





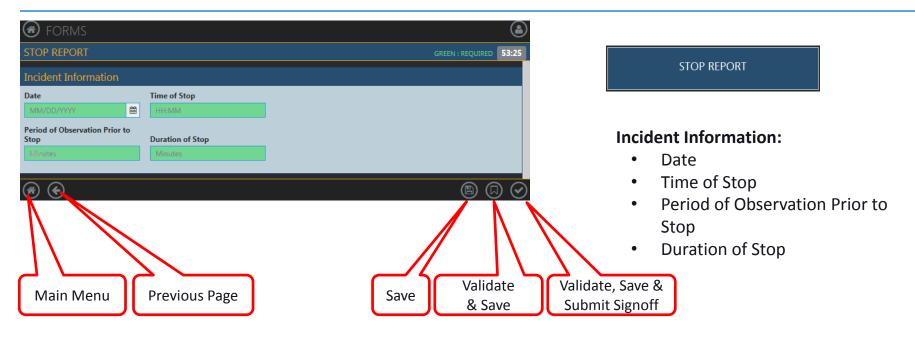
Stop Report ase 1:08-cv-01034-AT-HBP Document 535 Filed 11/10/16 Page 14 of 30

Front Back

STOP REPO	RT	Po	t. Seria	l No.		ICA	D No.
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☐ Acting as a Lookout							of a Crime
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Narrative (Describe the Circumstances That Led to the Sto	op):					
Was Person Frisked? ☐ Yes ☐ No IF YES, INDICATE	BASIS FOR FRISK:	☐ Object Obse	rved Suspecte	d of Being	a Weapon	
☐ Statement by Suspect ☐ Suspect Know	wn to Carry Weapons	☐ Violent Crim			☐ Other (Des	
Was Person Searched? ☐ Yes ☐ No IF YES, INDICA					☐ Consent to	
	Outline of Weapon	☐ Search Incid			☐ Other (Des	
Was Weapon Found? If Yes, Specify: ☐ Firearm ☐ Kn	ife/Cutting Instrument	Was Other Contraband	Found? If Yes	, Describe	Contraband an	nd Location
☐ Yes ☐ No ☐ Other (Describe)		☐ Yes ☐ No				
Narrative (Describe the Circumstances That Led to the Fri	sk and/or Search, if Cond	ucted. Include Area Sear	ched):			
Reporting MOS (Rank, Name Printed)	Signature		Tax No.		Command	Date
reporting these (rearm, rearre ranked)	Olgitature		Tax 140.		Command	Date
Supervisory Action (Must Complete): Supervisor on Sc	ene During Stop?	☐ Yes ☐ No	Fol	low-Up A	ction (If Appro	priate):
Encounter Reviewed With Officer? □ Yes □ No	Sufficient Basis for Sto	p?	Rep	port Corre	cted 🗖 Tra	ining
Report Accurate and Complete? □ Yes □ No	Sufficient Basis for Fris	k? ☐ Yes ☐ No	□ N/A Inst	truction	Dis	ciplinary Action .
Corresponding Activity Log Entry Reviewed? ☐ Yes ☐ N	No Sufficient Basis for Sea	arch? Yes No	□ N/A			
Reviewing Supervisor (Rank, Name Printed)			T	ax No.		Command
			- 1			
	D _r	t. Serial No.		ate		Time
Signature						
Signature	'					
Signature						

Note: The **STOP REPORT** is not prepared for Level 1 and Level 2 encounters unless the encounter escalates to a Level 3 Terry Stop. Similarly, the **STOP REPORT** is not prepared when an officer makes a summary arrest for an offense/crime or issues a summons for an observed violation unless the suspect was initially detained for investigation in a Level 3 Terry Stop.

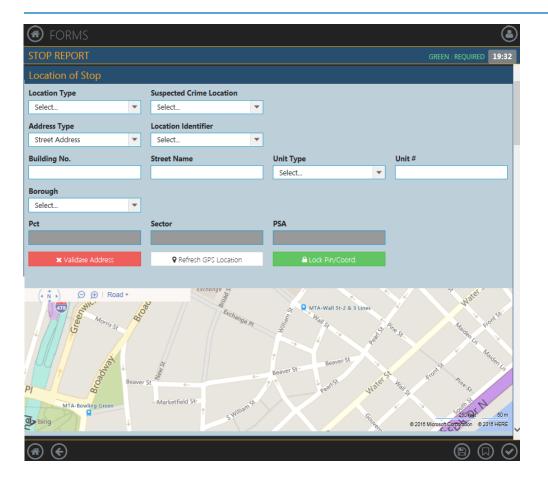


		(COMPLI	ETE A	LL CAPTIONS)
STOP REI	PORT	Pct. Serial No.		ICAD No.
PD 363-131	(03-10)	Date of Occ.		Pct. Of Occ.
Time Of Stop	Period Of Obse Prior To Stop	rvation	Durati	on Of Stop

All fields must be completed to the extent the information is known. Fields highlighted in **GREEN** must be completed in order to select ✓ (validate, save & submit for signoff).



Stop Report ase 1:08-cv-01034-AT-HBP Document 535 Filed 11/10/16 Page 16 of 30



Location of Stop:

In this section of the Stop Report, the user must enter the location where the stop occurred. The address or intersection must be validated. Once an address is validated then the 'Address Validated' button changes to the color **GREEN**, with a check mark. The precinct of the Stop Report form will be based on the 'Location of Stop.'

Address/Inte	ersection Or	Cross Streets Of Sto	pp
☐ Inside	☐ Transit	☐ Housing Affidavit Program	Type Of Location (Describe:)
Li Outside	LI II espass	Allidavit Flografii	

Address Type:

- Street Address
- Intersection
- Cross Streets
- Subway
- Park/Open Area
- Highway/Route

NOTE: If you do NOT validate address, the location will be GEOCODED to the Precinct of record.





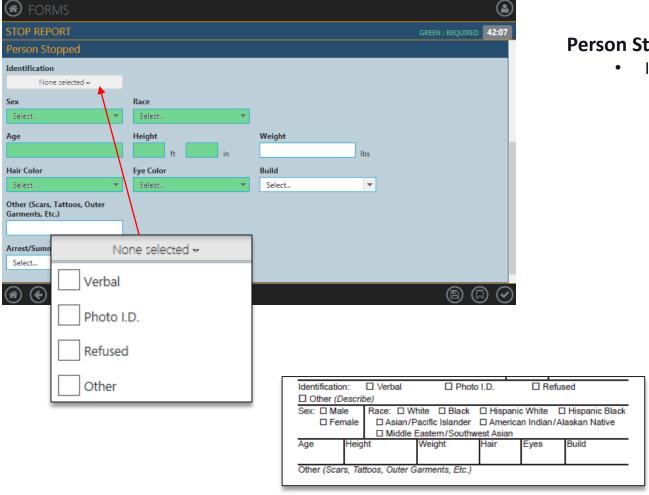
Select basis for **Stop/Identification/Suspected Crime**

- Stop Was
- ICAD No.
- Officer in uniform; If NO, choose how identified
- **Crime Suspected**
- Factors that Led to Stop
 - Choose all that apply

Stop Was: Self-Initiated	☐ Based on Radio Run	☐ Based o	on C/W on Scene
Officer in Uniform?	If no, how Identified?	☐ Shield	☐ I.D. Card
☐ Yes ☐ No		□ Verbal	
Crime Suspected (e.g., Robb	ery, Burglary, Criminal Tre	espass, etc.)	
Check All Factors That L	ed to Stop and Explai	in in the Na	rrative Section
Check All Factors That L ☐ Concealing or Possessing		in in the Na	
	a Weapon ☐ Casing \	/ictim or Loca	
☐ Concealing or Possessing	action	/ictim or Loca	ation spect Description

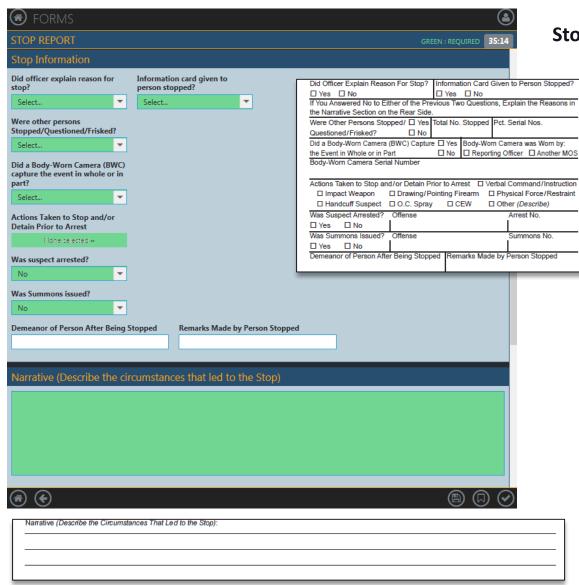


Stop Report ase 1:08-cv-01034-AT-HBP Document 535 Filed 11/10/16 Page 18 of 30



Person Stopped

- Identification (Select all that apply)
 - Verbal
 - Photo I.D.
 - Refused
 - Other
 - Sex
 - Race
 - Age
 - Height
 - Weight
 - Hair Color
 - Eye Color
 - Build

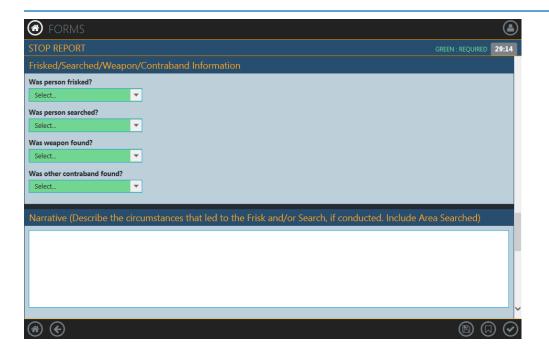


Stop Information

- Did officer explain reason for stop?
 If NO, Describe
- Information card give to person stopped? If **NO**, Describe
- Were other person
 Stopped/Questioned/Frisked? If
 YES, total # stopped; Pct Serial #.
- Did BWC capture the event in whole or part? If **YES**, enter the BWC Officer's name or camera serial # (if known)
- Actions Taken to Stop/Detain Prior to Arrest.
 - Choose all that apply
- Was Suspect Arrested? If YES,
 Select Offense, enter valid Arrest #
- Was Summons Issued? If YES,
 Select Offense, Enter Summons #
- Demeanor of Person After Being Stopped
- Remarks Made by Person Stopped
- Narrative



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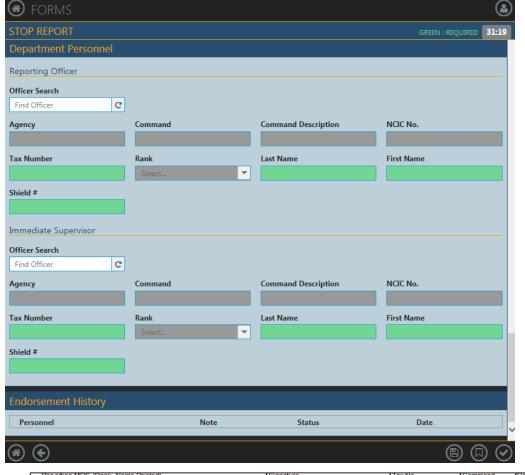


Was Person Frisked? ☐ Yes ☐ No IFYES, INDICATE BASIS FOR FRISK: ☐ Object Observed Suspected of Being a Weapon						
☐ Statement by Suspect ☐ Suspect Known to Carry Weapons	□ Violent Crime	☐ Other (Describe Below)				
Was Person Searched? ☐ Yes ☐ No IF YES, INDICATE BASIS FOR SEARCH						
☐ Admission Of Weapons Possession ☐ Outline of Weapon	Search Incident to an Arrest	☐ Other (Describe Below)				
Was Weapon Found? If Yes, Specify: ☐ Firearm ☐ Knife/Cutting Instrument	Was Other Contraband Found? If Yes,	Describe Contraband and Location				
☐ Yes ☐ No ☐ Other (Describe)	☐ Yes ☐ No					
Narrative (Describe the Circumstances That Led to the Frisk and/or Search, if Con-	ducted. Include Area Searched):	_				
i						

Frisked/Search/Weapon/Contraband Information

- Was Person Frisked? If YES,
 Choose all that apply
- Was Person Search? If YES, Choose all that apply
- Was Weapon Found? If YES, Choose all that apply
- Was Other Contraband found? If YES, Choose all that apply
- Narrative; If YES, was chosen for any of the above questions you
 MUST describe the circumstances

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Department Personnel Reporting Officer

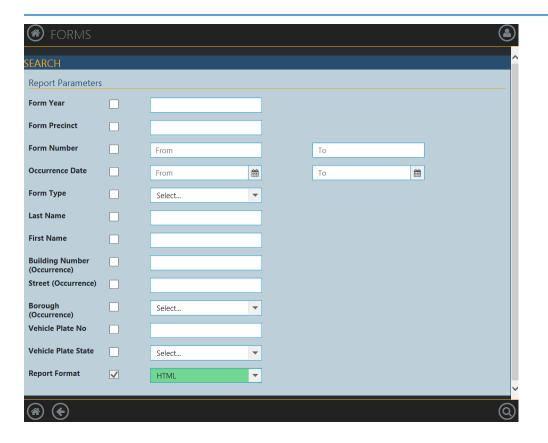
- Enter your name or tax number under Officer Search field
- Next, enter the supervisor's tax number, if known. Otherwise, enter the supervisor's last name and then select the appropriate supervisor from the list that appears

NOTE: Supervisory Action answers are entered into FORMS at time of approval.

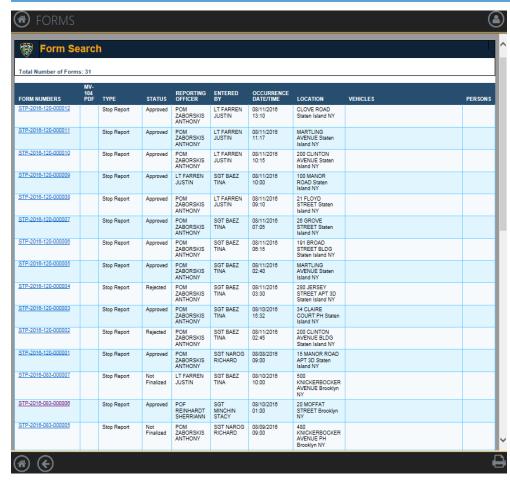
Reporting MOS (Rank, Name Printed)	Signature		Tax No.		Command	Date
	Basis for Stop? Basis for Frisk?	No Yes No Yes No	□ N/A	Report Corre		or <i>iate):</i> ining □ ciplinary Action . □
Reviewing Supervisor (Rank, Name Printed)				Tax No.		Command
Signature	Pct. Serial	No.		Date		Time



Search



Search FORMS for a report using selected criteria

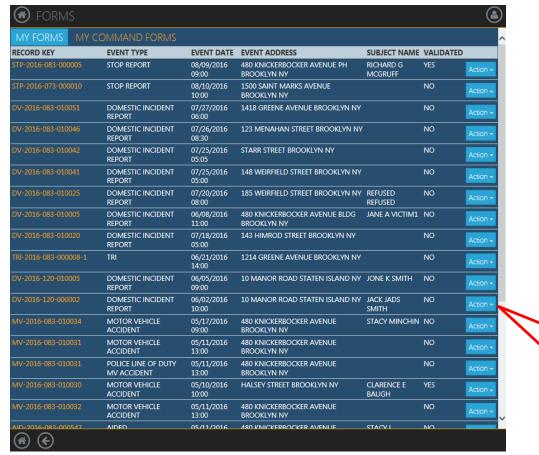


Search Results

Status:

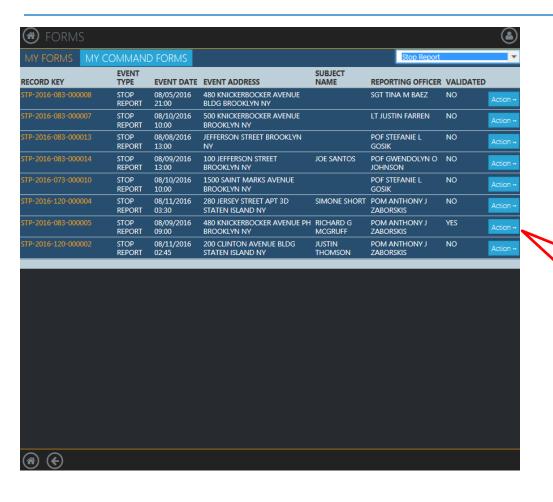
- ➢ 'Not Finalized' (Edit) User is able to edit report, report has not been submitted for sign off.
- 'Pending' User has submitted report for sign off, Supervisor can approve or reject (rejected reports can be edited)
- 'Approved' Signed off





MY FORMS - A list of unfinalized forms that the user has authored. This list consists of incomplete forms that need to be validated and submitted for signoff.

EDIT
SUBMIT FOR SIGNOFF
SUPPLEMENTS
VIEW/PRINT
VOID/SEAL
PRINT COVERSHEET



MY COMMAND FORMS

MY COMMAND FORMS - A list of unfinalized forms that belongs to the user's command. This list consists of incomplete forms that need to be validated and submitted for sign off. You can sort these records by clicking on the Record Key or Event Date.

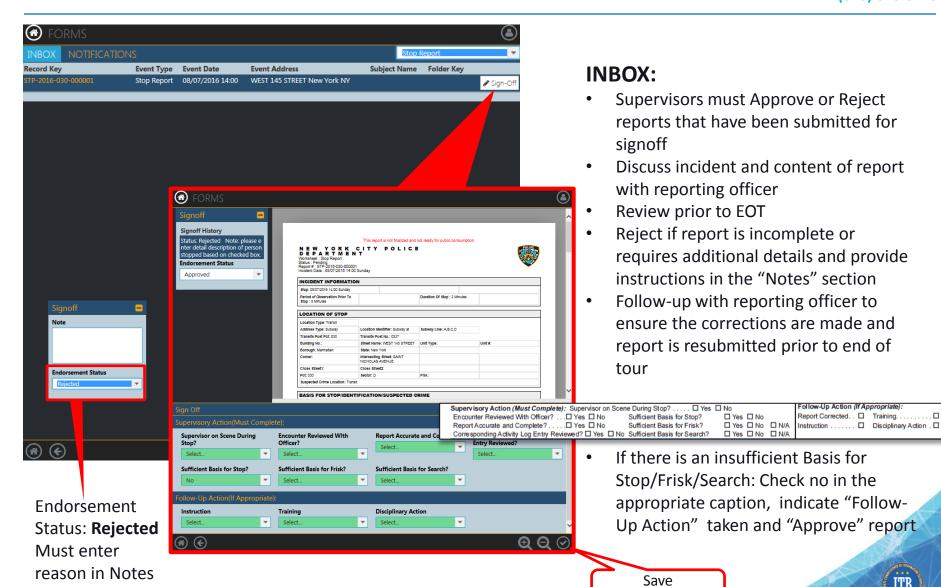
EDIT SUBMIT FOR SIGNOFF SUPPLEMENTS VIEW/PRINT VOID/SEAL PRINT COVERSHEET

NOTE: FORMS must be submitted for Sign-Off in order for the supervisor to approve. FORMS in the unfinalized list can be submitted via the Action Button.

Supervisor may review submitted FORMS from the Inbox.

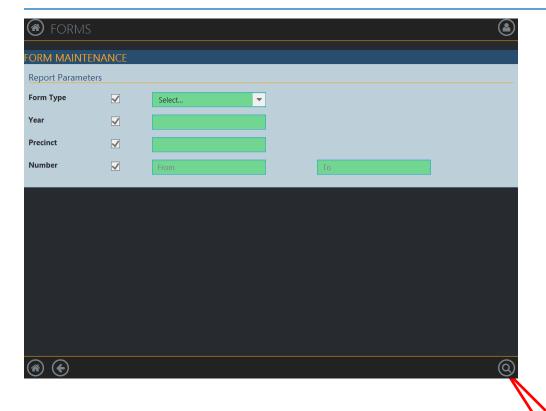






Endorsement

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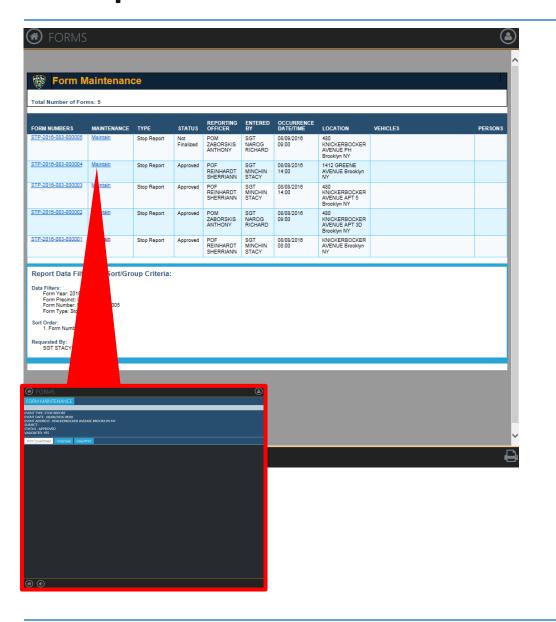
FORMS Maintenance:

 Reporting Officers and Supervisors can enter the parameters for the approved report they are looking for

Execute search



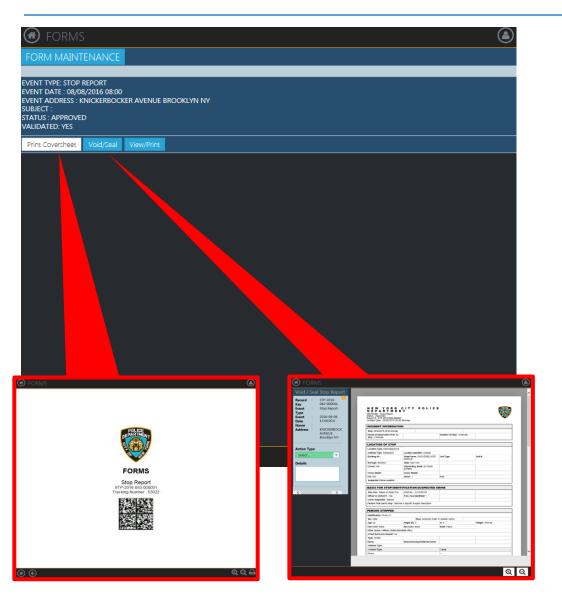
Example of FORW Waintenance Filed 11/10/16 Page 28 of 30



FORMS Maintenance:

- User's can print out coversheets for approved reports.
- Supervisor's can void any approved reports.
- * Void STOP REPORT if prepared in error:
- 1. Event was not a Terry Stop (e.g. witness interview, level 1 request for information, etc.)
- 2. Arrest that did not begin as an **Investigative Encounter**
- ** Void STOP REPORT if duplicate

Example of FORM WAINTENANCE iled 11/10/16 Page 29 of 30



FORMS MAINTENANCE:

- Print Coversheet This is how to add documents
- Void / Seal Void or Seal a Stop Report.
- View / Print Print a Stop Report.



FORMS Support Hotline (646) 610-6473

